

AMENDED IN SENATE AUGUST 19, 2014

AMENDED IN SENATE JULY 1, 2014

AMENDED IN SENATE JUNE 11, 2014

AMENDED IN ASSEMBLY APRIL 21, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 2764**

**Introduced by Committee on Natural Resources (Chesbro (Chair),  
Garcia, Muratsuchi, Skinner, Stone, and Williams)**

March 27, 2014

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An act to amend Section 126 of the Government Code, to amend Section 39512.5 of the Health and Safety Code, to amend ~~Sections~~ *Section* 6306 ~~and 48020~~ of the Public Resources Code, and to amend Section 1 of Chapter 321 of the Statutes of 1961, relating to public resources, ~~and making an appropriation therefor.~~ *resources.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 2764, as amended, Committee on Natural Resources. Public resources.

(1) Existing law establishes the State Lands Commission in the Natural Resources Agency and prescribes the functions and duties of the commission. Under current law, the State Lands Commission cedes concurrent criminal jurisdiction to the United States with regard to specified properties.

This bill would revise and recast these provisions and make technical and organizational changes.

(2) Existing law requires that every local trustee of granted public trust lands, as defined and except as provided, file with the State Lands

Commission, on or before October 1 of each year, a detailed statement of all revenues and expenditures relating to its trust lands and trust assets, as prescribed, including obligations incurred, but not yet paid, covering the fiscal year preceding the submission of the statement.

This bill instead would require the statement to be filed with the commission on or before December 31 of each year.

~~(3) The California Integrated Waste Management Act of 1989, requires the Department of Resources Recycling and Recovery, to initiate a program for the cleanup of solid waste disposal sites and for cleanup of solid waste at codisposal sites where no responsible party is available to pay for timely remediation, and where cleanup is needed to protect public health and safety or the environment. For purposes of this program, existing law defines “solid waste disposal,” “dispose,” or “disposal” to mean the final disposition of solid wastes onto land. Existing law establishes the Solid Waste Disposal Site Cleanup Trust Fund and provides that moneys in the fund are continuously appropriated for purposes of the program.~~

~~This bill would provide that, for purposes of the program, solid waste disposal sites may include sites located in waters of the state. By expanding the purposes of a continuously appropriated fund, the bill would make an appropriation.~~

~~(4)~~

~~(3) Existing law authorizes a grant in the form of a trust of specified tidelands and submerged lands to the County of Orange, subject to certain restrictions, including that the lands remain available for public use.~~

~~This bill would modify the terms of the grant to change the conditions for expenditures by the trust and to permit the trustee to acquire additional property in order to further the purposes of the trust, if specific conditions are met.~~

~~(5)~~

~~(4) Existing law establishes the State Air Resources Board, which is responsible for control of emissions from motor vehicles and is designated the air pollution control agency for all purposes set forth in federal law. Existing law requires the state board to consist of 12 members, who are appointed based on certain qualifications. Existing law provides for the compensation of those members.~~

~~This bill would correct an erroneous cross-reference to clarify that certain members of the state board are prohibited from receiving~~

compensation for serving on the state board, but are required to be reimbursed for their actual and necessary expenses, as specified.

Vote: majority. Appropriation: ~~yes~~-no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 126 of the Government Code is amended  
2 to read:

3 126. (a) Notwithstanding any other provision of law, general  
4 or special, the Legislature of California, acting through the State  
5 Lands Commission, hereby cedes concurrent criminal jurisdiction  
6 to the United States within lands identified and held by the United  
7 States upon and subject to each and all of the following express  
8 limitations, conditions, and reservations, in addition to any other  
9 limitations, conditions, or reservations prescribed by law:

10 (1) Before making a cession, the State Lands Commission shall  
11 make the following findings:

12 (A) The United States has requested in writing the state to cede  
13 concurrent criminal jurisdiction within the identified lands.

14 (B) The lands are held by the United States for the erection of  
15 forts, magazines, arsenals, dockyards, and other needful buildings  
16 within the purview of clause 17 of Section 8 of Article I of the  
17 United States Constitution, or for any other federal purposes. For  
18 purposes of this section, lands held by the United States are defined  
19 as: (i) lands acquired in fee by purchase or condemnation, (ii) lands  
20 owned by the United States that are included in the military  
21 reservation by presidential proclamation or act of Congress, (iii)  
22 any other lands owned by the United States, including, but not  
23 limited to, public domain lands that are held for a public purpose,  
24 and (iv) leaseholds acquired by the United States over private lands  
25 or state-owned lands that are held for a public purpose.

26 (C) The cession is made pursuant to and in compliance with the  
27 laws of the United States.

28 (D) A notice of the proposed cession has been given to the clerk  
29 for the board of supervisors of the county in which the federal  
30 lands are located at least 15 days before the proposed cession.

31 (E) The proposed cession is in the best interests of the State of  
32 California.

1 (F) The United States has agreed to bear all costs and expenses  
2 incurred by the State Lands Commission in making the cession.

3 (2) The cession shall continue only so long as the lands are  
4 owned by the United States and used for the purposes for which  
5 jurisdiction is ceded or for 10 years, whichever period is less.

6 (3) The cession shall be made at a publicly noticed meeting of  
7 the State Lands Commission. The cession shall vest when the State  
8 Lands Commission has received notice of the United States'  
9 acceptance of the cession and certified copies of the State Lands  
10 Commission's orders or resolutions making the findings described  
11 in paragraph (1) have been recorded in the office of the county  
12 recorder of each county in which any part of the land is situated.  
13 The State Lands Commission shall keep copies of its orders or  
14 resolutions in its records and make them available to the public  
15 upon request.

16 (b) In ceding concurrent criminal jurisdiction, the Legislature  
17 and the state reserve jurisdiction over the land, water, and use of  
18 water with full power to control and regulate the acquisition, use,  
19 control, and distribution of water with respect to the land affected  
20 by the cession.

21 SEC. 2. Section 39512.5 of the Health and Safety Code is  
22 amended to read:

23 39512.5. (a) With respect to the members appointed pursuant  
24 to subdivision (d) of Section 39510, those members shall serve  
25 without compensation but shall be reimbursed for actual and  
26 necessary expenses incurred in the performance of their duties to  
27 the extent that reimbursement for expenses is not otherwise  
28 provided or payable by another public agency or agencies. Each  
29 elected public official member of the state board shall receive one  
30 hundred dollars (\$100) for each day, or portion thereof, but not to  
31 exceed one thousand dollars (\$1,000) in any month, attending  
32 meetings of the state board or committees thereof, or upon  
33 authorization of the state board while on official business of the  
34 state board.

35 (b) Reimbursements made pursuant to subdivision (a) shall be  
36 made as follows:

37 (1) A member appointed from a district that is specifically  
38 named in subdivision (d) of Section 39510 shall be reimbursed by  
39 the district from which the person qualified for membership.

1 (2) The member appointed as a board member of a district that  
2 is not specifically named in subdivision (d) of Section 39510 shall  
3 be reimbursed by the state board.

4 SEC. 3. Section 6306 of the Public Resources Code is amended  
5 to read:

6 6306. (a) For purposes of this division, “local trustee of granted  
7 public trust lands” means a county, city, or district, including a  
8 water, sanitary, regional park, port, or harbor district, or any other  
9 local, political, or corporate subdivision that has been granted,  
10 conveyed, or transferred by statute, public trust lands, including  
11 tidelands, submerged lands, or the beds of navigable waters,  
12 through a legislative grant. A local trustee of granted public trust  
13 lands is a trustee of state lands.

14 (b) Notwithstanding any other law, every local trustee of granted  
15 public trust lands shall establish and maintain accounting  
16 procedures, in accordance with generally accepted accounting  
17 principles, providing accurate records of all revenues received  
18 from the trust lands and trust assets and of all expenditures of those  
19 revenues. If a trust grantee has several trust grants of adjacent lands  
20 and operates the granted lands as a single integrated entity,  
21 separation of accounting records for each trust grant is not required.

22 (c) All revenues received from trust lands and trust assets  
23 administered or collected by a local trustee of granted public trust  
24 lands shall be expended only for those uses and purposes consistent  
25 with the public trust for commerce, navigation, and fisheries, and  
26 the applicable statutory grant.

27 (d) All funds received or generated from trust lands or trust  
28 assets shall be segregated in separate accounts from nontrust  
29 received or generated funds.

30 (e) (1) Unless otherwise prescribed by an applicable statutory  
31 grant, on or before December 31 of each year, each local trustee  
32 of granted public trust lands shall file with the commission a  
33 detailed statement of all revenues and expenditures relating to its  
34 trust lands and trust assets, including obligations incurred but not  
35 yet paid, covering the fiscal year preceding submission of the  
36 statement.

37 (2) The statement shall be prepared in accordance with generally  
38 accepted accounting principles and may take the form of an annual  
39 audit prepared by or for the local trustee of granted public trust  
40 lands.

1 (3) (A) The detailed statement shall be submitted along with a  
2 standardized reporting form developed by the commission.

3 (B) The commission shall use an existing reporting form  
4 previously developed for purposes of this paragraph, if a finding  
5 is made by the commission that it is generally responsive to the  
6 needs of the commission as prescribed in this section. Alternatively,  
7 the commission may develop a reporting form that requires a local  
8 trustee of granted public lands to report on all of the following:

9 (i) A summary of all funds received or generated from trust  
10 lands or trust assets.

11 (ii) A summary of all spending of funds received or generated  
12 from trust lands or trust assets.

13 (iii) Any other disposition of funds received or generated from  
14 trust lands or trust assets or of the trust lands or trust assets  
15 themselves.

16 (iv) A description of the manner in which the statement required  
17 by this subdivision and accompanying the reporting form is  
18 organized.

19 (v) Any other information that the commission deems to be  
20 included in an accounting of granted public trust lands.

21 (C) The adoption of the form by the commission pursuant to  
22 this subdivision is the prescription of a form for purposes of  
23 subdivision (c) of Section 11340.9 of the Government Code.

24 (4) All forms and supporting statements submitted pursuant to  
25 this section shall be public records and be made available on the  
26 commission's Internet Web site.

27 (f) (1) The costs that may be incurred by a local trustee of  
28 granted public trust lands that result from any new duties imposed  
29 upon that trustee pursuant to Chapter 206 of the Statutes of 2012,  
30 including the requirement to submit a standardized reporting form  
31 required by paragraph (3) of subdivision (e), shall be paid from  
32 the revenues derived from its granted public trust lands and assets  
33 specified in subdivision (b).

34 (2) If the revenues derived from the granted public trust lands  
35 and assets specified in subdivision (b) are not sufficient to pay the  
36 costs for the duties specified in paragraph (1), the commission  
37 shall exempt the local trustee of granted public trust lands from  
38 performing those duties for which the revenues are not sufficient,  
39 or grant a deadline extension from the performance of those duties  
40 until sufficient funds are available.

1 ~~SEC. 4.~~ Section 48020 of the Public Resources Code is amended  
2 to read:

3 ~~48020. (a) For purposes of this article, the following terms~~  
4 ~~have the following meaning:~~

5 (1) “Codisposal site” means a hazardous substance release site  
6 listed pursuant to Section 25356 of the Health and Safety Code,  
7 where the disposal of hazardous substances, hazardous waste, and  
8 solid waste has occurred.

9 (2) “Trust fund” means the Solid Waste Disposal Site Cleanup  
10 Trust Fund created pursuant to Section 48027.

11 (b) (1) The department shall, on January 1, 1994, initiate a  
12 program for the cleanup of solid waste disposal sites and for the  
13 cleanup of solid waste at codisposal sites where the responsible  
14 party either cannot be identified or is unable or unwilling to pay  
15 for timely remediation, and where cleanup is needed to protect  
16 public health and safety or the environment.

17 (2) Notwithstanding subdivision (c) of Section 40192, for  
18 purposes of this article solid waste disposal sites may include sites  
19 located in waters of the state.

20 (c) The department shall not expend more than 5 percent of the  
21 funds appropriated for the purpose of the program by a statute  
22 other than the Budget Act to administer that program, unless a  
23 different amount is otherwise appropriated to administer the  
24 program in the annual Budget Act. If a different amount is  
25 appropriated to administer the program in the annual Budget Act,  
26 it shall be set forth in a separate line item. All remaining funds  
27 appropriated for the purposes of the program shall be expended  
28 on direct cleanup pursuant to subdivision (b) or emergency actions  
29 at solid waste facilities, disposal sites, sites involving solid waste  
30 handling, and for solid waste at codisposal sites.

31 ~~SEC. 5.~~

32 *SEC. 4.* Section 1 of Chapter 321 of the Statutes of 1961 is  
33 amended to read:

34 Section 1. There is hereby granted to the County of Orange  
35 and to its successors all of the right, title and interest of the State  
36 of California held by the state by virtue of its sovereignty in and  
37 to all that portion of the tidelands and submerged lands of the  
38 Pacific Ocean within the County of Orange, State of California,  
39 in the following area:

1 Commencing at the intersection of the westerly line of fractional  
2 Section 22, Township 8 South, Range 8 West, San Bernardino  
3 Base and Meridian with the line of Mean High Tide of the Pacific  
4 Ocean from which point said westerly Section line bears North 0°  
5 07' East; thence South 45° 00' East to the point of intersection with  
6 a line parallel to and five thousand seven hundred and fifty feet  
7 (5,750 ft.) southerly of the northerly line of said fractional Section  
8 22; thence easterly along said last mentioned parallel line, 5,750  
9 feet southerly of the northerly line of Section 22, and the easterly  
10 prolongation of said parallel line to the point of intersection with  
11 a meridian line passing through the intersection of the westerly  
12 line of Rancho Boca de la Playa as said line is established and  
13 shown on a map recorded in Book 4, Pages 118 and 119 of Patents,  
14 Records of Los Angeles County, June 29, 1887, and the line of  
15 Mean High Tide of the Pacific Ocean; thence northerly along said  
16 meridian line to the intersection with the line of Mean High Tide  
17 of the Pacific Ocean; thence westerly along said line of Mean High  
18 Tide to the point of beginning, the same to be forever held by the  
19 county and by its successors in trust for the uses and purposes and  
20 upon the express conditions following, to wit:

21 (a) That these lands shall be used by the county, and its  
22 successors, only for the establishment, improvement, and conduct  
23 of a harbor, and for the construction, maintenance, and operation  
24 thereon of wharves, docks, piers, slips, quays, and other utilities,  
25 structures, facilities, and appliances necessary or convenient for  
26 the promotion and accommodation of commerce and navigation,  
27 and for recreational use, public park, parking, highway, playground,  
28 and business incidental thereto; and the county, or its successors,  
29 shall not, at any time, grant, convey, give, or alien these lands, or  
30 any part thereof, to any individual, firm, or corporation for any  
31 purposes whatever; provided, that the county, or its successors,  
32 may grant franchises thereon for limited periods (but in no event  
33 exceeding 50 years), for wharves and other public uses and  
34 purposes and may lease these lands, or any part thereof, for limited  
35 periods (but in no event exceeding 50 years), for purposes  
36 consistent with the trust upon which these lands are held by the  
37 State of California, and with the requirements of commerce and  
38 navigation at the harbor, and collect and retain rents from these  
39 leases.

1 (b) That these lands shall be improved by the county without  
2 expense to the state, and shall always remain available for public  
3 use for all purposes of commerce and navigation, and the State of  
4 California shall have at all times, the right to use, without charge,  
5 all wharves, docks, piers, slips, quays, and other improvements  
6 and facilities constructed on these lands, or any part thereof, for  
7 any vessel or other water or aircraft, or railroad, owned or operated  
8 by the State of California.

9 (c) That in the management, conduct, or operation of the harbor,  
10 or of any of the utilities, structures, appliances, or facilities  
11 mentioned in subdivision (a), no discrimination in rates, tolls, or  
12 charges or in facilities for any use or service in connection  
13 therewith shall ever be made, authorized, or permitted by the  
14 county or its successors.

15 (d) There is hereby reserved, however, in the people of the State  
16 of California the absolute right to fish in the waters of the harbor  
17 with the right of convenient access to the waters over these lands  
18 for these purposes.

19 (e) There is hereby excepted and reserved to the State of  
20 California all deposits of minerals, including oil and gas, in the  
21 land, and to the State of California, or persons authorized by the  
22 State of California, the right to prospect for, mine, and remove  
23 deposits from the land.

24 (f) The lands herein described are granted subject to the express  
25 reservation and condition that the state may at any time in the  
26 future use these lands or any portion thereof for highway purposes  
27 without compensation to the county, its successors or assigns, or  
28 any person, firm, or public or private corporation claiming under  
29 it, except that in the event improvements have been placed upon  
30 the property taken by the state for these purposes, compensation  
31 shall be made to the person entitled thereto for the value of his or  
32 her interest in the improvements taken or the damages to the  
33 interest.

34 (g) That within 10 years from the effective date of this act these  
35 lands shall be substantially improved by the county without  
36 expense to the state, and if the State Lands Commission determines  
37 that the county has failed to improve these lands as herein required,  
38 all right, title, and interest of the county in and to all lands granted  
39 by this act shall cease and these lands shall revert and vest in the  
40 state.

1 (h) (1) That any funds derived from the management, conduct,  
2 or operation of the lands described in this section shall be used  
3 within the geographic boundary of the lands for purposes consistent  
4 with subdivision (a).

5 (2) Notwithstanding paragraph (1), funds derived from the  
6 management, conduct, or operation of these lands may also be  
7 expended on state-owned tidelands and submerged lands, outside  
8 the geographic boundary of these lands within the County of  
9 Orange and southeasterly of the southern city limits of the City of  
10 Laguna Beach, to fund the portion of the Dana Point Branch of  
11 the Orange County Harbor Patrol that provides direct protection  
12 for public health, safety, and security relating to navigation and  
13 other public trust uses on state-owned tidelands and submerged  
14 lands.

15 (i) (1) Notwithstanding subdivision (h), any funds derived from  
16 the management, conduct, or operation of the lands described in  
17 this section may be used to purchase, lease, or otherwise acquire  
18 real property necessary for or incidental to the development and  
19 operation of a harbor and that property shall be held as an asset of  
20 the trust and used for purposes consistent with the trust grant.

21 (2) If the real property that is proposed to be purchased, leased,  
22 or acquired is adjacent to the geographic boundary of the lands,  
23 the county, or its successors, shall give written notice of the  
24 proposed expenditure to the State Lands Commission at least 90  
25 days before purchasing, leasing, or acquiring the real property in  
26 excess of one hundred thousand dollars (\$100,000), but not more  
27 than five hundred thousand dollars (\$500,000). Expenditures in  
28 excess of five hundred thousand dollars (\$500,000) for real  
29 property adjacent to the geographic boundary of those lands shall  
30 not be made unless the State Lands Commission approves the  
31 expenditure pursuant to Chapter 2 (commencing with Section  
32 6701) of Part 2 of Division 6 of the Public Resources Code. For  
33 the purpose of this subdivision, “adjacent” means adjoining or  
34 separated by a street or road.

35 (3) If the real property that is proposed to be purchased, leased,  
36 or acquired is not adjacent to the geographic boundary of the lands,  
37 the county, or its successors, shall give written notice of the  
38 proposed expenditure to the State Lands Commission at least 90  
39 days before purchasing, leasing, or acquiring the real property not  
40 to exceed fifty thousand dollars (\$50,000). Expenditures in excess

1 of fifty thousand dollars (\$50,000) for real property not adjacent  
2 to the geographic boundary of those lands may not be made unless  
3 the State Lands Commission approves the expenditure pursuant  
4 to Chapter 2 (commencing with Section 6701) of Part 2 of Division  
5 6 of the Public Resources Code.

6 (4) The notice required in paragraphs (2) and (3) shall include  
7 the total proposed expenditure from the tideland's trust, the location  
8 of the real property, the purpose of the purchase, acquisition, or  
9 lease, and an explanation of how the purchase, acquisition, or lease  
10 is consistent with the terms of the trust grant.

O